IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

TUESDAY, THE 31ST JULY 2007 / 9TH SRAVANA 1929

Bail Appl..No. 4619 of 2007()

CRL. M.C. NO. 1233/2007 of SESSIONS COURT, ERNAKULAM
CRIME NO. 134/2007 of AMBALMEDU POLICE STATION
.....

PETITIONER.

MONSON VARGHESE, AGE 33 YEARS,
S/O. VARKEY VARGHESE, KALLONINGAL HOUSE,
PERINGALA, KUNNATHUNADU VILLAGE.

BY ADV. SRI.PAUL K.VARGHESE

RESPONDENTS:

STATE OF KERALA,
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.

BY ADV. SRI. JAI GEORGE, PUBLIC PROSECUTOR

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 31/07/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R.BASANT, J

B.A.No.4619 of 2007

Dated this the 31st day of July, 2007

ORDER

Application for regular bail. The petitioner faces allegations, inter alia, under Section 376 I.P.C and Section 3(1)(xii) of the Scheduled Castes/Scheduled Tribes (Prevention of Atrocities) Act. The petitioner was arrested on 04.07.2007. He continues in custody from that date.

2. The crux of the allegations is that the defacto complainant, a woman, aged about 23 years and belonging to the Scheduled Caste and Scheduled Tribe community was deceitfully induced by the petitioner to believe that he would divorce his wife and marry her and on that representation, he had sexual intercourse with her a number of times in a span of two days.

3. The learned counsel for the petitioner prays, the learned Public Prosecutor does not oppose the said prayer and I am satisfied, in the facts and circumstances, to which I have made brief reference already that the petitioner can be enlarged on bail subject to appropriate conditions. A more detailed reference to facts does not appear to be necessary in the circumstances of the case.

4. In the result, this application is allowed. The petitioner shall be released on bail on the following terms and conditions.

i) The petitioner shall execute a bond for Rs.50,000/- (Rupees Fifty thousand only) with two solvent sureties each for the like sum to the satisfaction of the learned Magistrate;

ii) The petitioner shall make himself available for interrogation before the Investigating Officer between 10 a.m and 12 noon on all Mondays and Fridays for a period of three months from the date of his release and thereafter as and when directed by the Investigating Officer in writing to do so.

(R.BASANT, JUDGE)

rtr/-